

BRANDI EDWARDS,
AND ALL OTHER SIMILARLY
SITUATED

V.

Defendants.

LEGAL02/35705684v1

2. As discussed in greater detail in Defendants' Memorandum of Law, submitted herewith, a participant in a plan governed by ERISA is required to exhaust administrative remedies prior to filing suit in this Court.

3. The failure to exhaust administrative remedies under ERISA bars Plaintiff from bringing suit until such time as she does exhaust the Plan's administrative remedies.

WHEREFORE, Defendants respectfully request that the Court dismiss the Complaint due to Plaintiff's failure to exhaust administrative remedies, which is a condition precedent to Plaintiff being able to pursue the claims in her Complaint.

Respectfully submitted,

Dated: July 20, 2015

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CERTIFICATE OF SERVICE

This is to certify that I have this day of July 20, 2015, electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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